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REMARKSI. Introduction

In response to the Office Action dated May 15, 2006, claims 1, 3, 8, 9, and 11-15 have been amended. Claims 1-15 remain in the application. Re-examination and entrance of these amendments are respectfully requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Prior Art Rejections

In the Office Action, claims 1-2, 8-10, and 15 were rejected under 35 U.S.C. §103(a) as being anticipated by Hose, U.S. Patent 7,024,205 (Hose) in view of Gailey et al., US Patent Application No. 2005/0027590 (Gailey), and claims 3-7 and 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hose and Gailey in view of Ford et al., USPN 6,963,867 (Ford).

The Applicants respectfully traverse the rejections in light of the amendments above and the arguments presented herein.

The Hose Reference

Hose merely describes a method and apparatus are disclosed for providing subscriber delivered and personalized location-based services. In one embodiment, the invention is implemented in an intelligent wireless network (100). A subscriber initiates the location-based service process by entering a service request using a wireless telephone (102). The request is transmitted to an intelligent network platform (112) via cell site equipment (108) and MSC (110). An application implementing the process that runs on the platform (112) receives subscriber profile information (114), location finding equipment inputs (116) and service information (118) related to the service request. Based on these inputs, the application selects location-based service data that is transmitted to the telephone (102) via a data server (120), the MSC (110) and the cell site equipment.

The Gailey Reference

The Gailey reference is cited by the Office Action as disclosing a client which communicates with the infrastructure for entering and editing location based information in the database. See Paragraphs [0019], [0099], and [0103].

The Ford Reference

The Ford reference is cited by the office action as disclosing a rating engine for rating information stored in the database. See Ford, Col. 6, lines 20-32.

The Claims are Patentable over the Cited Reference

Independent claims 1, 8, and 15 are generally directed to a contextual location-based service apparatus, system, and method wherein both commercial and user-supplied location based information resides. An apparatus in accordance with the present invention comprises a computer-based infrastructure, comprising at least one database for storing the commercial location-based information and the user-supplied location-based information on at least one location, a context manager, coupled to the database, for indexing and sorting the commercial location-based information and the user-supplied location-based information stored in the database, a contribution engine, coupled to the database, for entering additional user-supplied location-based information in the database, a locator, coupled to the contribution engine and the database, for converting a plurality of references to a specific location to a common location designation, a location browser, coupled to the database, for retrieving and reviewing the user-supplied location-based information in the database, and at least one client, which communicates with the infrastructure, for at least entering and editing the user-supplied location-based information in the database.

The cited references do not teach nor suggest at least one of these various elements of Applicants' independent claims. Specifically, the cited reference does not teach nor suggest at least the limitation of at least one client, which communicates with the infrastructure, for at least entering and editing the user-supplied location-based information, and a database containing commercial location-based information and user-supplied location-based information as recited in the claims of the present invention.

The database in Hose uses data that is determined by the service provider to profile subscribers to personalize the location-based services. See Hose, Col. 5, lines 10-15. This information, along with all of the location-based information in the Hose database, is entered by a carrier or other location-based service administrator, not by a subscriber. See Hose, Col. 5, lines 25-32. Further, as described in Gailey, this information can also be provided by a commercial enterprise, such as an advertiser. See Gailey, paragraphs [0099] and [0103].

However, the present invention allows for open access to the database for all users, as described in the specification as filed on page 6, lines 9-10. The present invention allows for user-supplied location-based information, which is different than commercially supplied information as described in Gailey and also different than the service-provided information described in Hose. This user-supplied location-based information is not advertising content (as described in Gailey); it is information provided by users for other user's benefit.

Nowhere in the Hose or Gailey references does a user enter or edit location-based information to the database. Further, the databases described in Hose and Gailey do not allow for a user to store user-provided location-based information alongside the commercially supplied location-based information. As such, the claims are patentable over the cited art.

Further, the contextual nature of the user-supplied location-based information, as described in the specification as filed on pages 6-7, is nowhere mentioned in the Hose or Gailey references. Hose and Gailey merely describe a geographical location, such as map coordinates or addresses for commercial enterprises. The contextual nature of what happened at that location, e.g., the historical context of that location, is nowhere mentioned in either Hose or Gailey. Since the contextual limitation is present in every claim of the present application, the application is even further removed from the teachings of the cited art.

The present invention allows individual users, e.g., subscribers, clients, etc., to enter their own location-based data into the database. This expands the available data above that available through service providers and administrators, making the location-based services more complete. See application as filed, at least at page 11, lines 16-23, and page 12, line 12-page 14, line 10.

Specifically with regard to the Ford reference, the "rating" that is described by Ford is a rating of the merchant's services and/or prices on the web, not a "rating" of the merchant's location-based information that is present on any given website. Further, the "rating" provided for

in Ford is a rating of the merchant's services, not the rating of another user's location-based information that is present in the database, as recited in the claims of the present invention.

Thus, Applicants submit that independent claims 1, 8 and 15 are allowable over the cited art. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over the cited art in the same manner, because they are dependent on independent claims 1, 8 and 15, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14 recite additional novel elements not shown by the cited art.

Applicants' silence with respect to additional available arguments for the independent and dependent claims does not constitute a waiver or surrender of such arguments; Applicants' merely present representative arguments for the Examiner's consideration such that prosecution may be expedited.

#### IV. Conclusion


In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

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By:   
Name: Anthony J. Orler  
Reg. No.: 41,232

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